

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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IP POWER HOLDINGS LIMITED,

Case No. 2:19-cv-01878-MMD-NJK

Plaintiff,

v.

ORDER

WESTFIELD OUTDOOR, INC.,

Defendant.

Plaintiff IP Power Holdings Limited alleges that Defendant Westfield Outdoor, Inc. infringes Plaintiff's U.S. Patent No. 6,817,671 ("the '671 Patent"), entitled "Collapsible Reclining Chair," which covers a collapsible, reclining camp chair with a footrest and cupholders. (ECF Nos. 1, 1-1 ('671 Patent).) In a prior order, the Court dismissed Plaintiff's willful infringement allegations, but granted Plaintiff leave to amend those allegations, provided Plaintiff filed an amended complaint within 30 days. (ECF No. 45 at 7-9.) Indeed, the Court explicitly stated in that order that, "[t]he Court will dismiss the willful infringement allegations with prejudice if Plaintiff does not file an amended complaint within 30 days." (*Id.* at 9.) 30 days have elapsed, but Plaintiff has not filed an amended complaint.

"Pursuant to Federal Rule of Civil Procedure 41(b), the district court may dismiss an action for failure to comply with any order of the court." *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir. 1992); see also *id.* at 1260-63 (affirming dismissal for failure to comply with an order requiring amendment of complaint). And as a function of that power in this case, the Court will dismiss Plaintiff's willful infringement allegations with prejudice because Plaintiff has not filed an amended complaint within the time provided by the Court.

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1 It is therefore ordered that Plaintiff's willful infringement allegations (ECF No. 1 at
2 6, ¶ 17) are dismissed with prejudice.

3 DATED THIS 7th day of July 2020.

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6 MIRANDA M. DU
7 CHIEF UNITED STATES DISTRICT JUDGE
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